



NALP Members' Handbook

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Purpose:	To provide advice and guidance to all members of the National Association of Licensed Paralegals to help them build their career or business in a way that is fully in line with the Code of Conduct and Ethics of NALP		
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CONTENT

No.		Page
1.	Welcome to the National Association of Licenced Paralegals	3 – 4
	1.1 A Brief History of NALP	3
	1.2 Our Mission Statement	4
2.	Being a Paralegal	4 – 6
	2.1 What is a Paralegal?	4 – 5
	2.2 What is the difference between a Paralegal and a Solicitor?	5
	2.3 What is a Reserved Activity?	5 – 6
	2.4 What is 'Holding Out'?	6
3.	Being a NALP Member	7 – 18
	3.1 What are the Benefits of Being a NALP Member?	7 – 8
	3.2 Membership Levels	9 – 10
	3.3 The NALP Code of Conduct and Ethics and What it Means for Members	11 – 15
	3.4 Transparency & Best Practice Guidelines	16 – 18
4.	Professional Paralegal Career Paths	18 – 19
	4.1 Employed	18 – 19
	4.2 Self-Employed	19
5.	NALP Licence to Practise	19 – 20
	5.1 Minimum Criteria	19 – 20
	5.2 Professional Indemnity Insurance	20
	5.3 The National Paralegal Register	20
6.	Guidance for Independent Professional Paralegal Practitioners	21 – 26
	6.1 Data Protection and the General Data Protection Regulations	21 – 22
	6.2 Your Website	22 – 23
	6.3 Marketing and Using Social Media	26 – 25
	6.4 Public Relations	25 – 26

1. Welcome to the National Association of Licensed Paralegals

We want to extend a warm welcome from the National Association of Licensed Paralegals (NALP) to all of our members, new and established. Regardless of their level of membership or chosen career path, we value every one of our members. This handbook is designed to give ALL members the information and guidance they will need to help them make the most of their membership with NALP.

1.1. A Brief History of NALP

NALP was established in 1987, making it the oldest self-regulatory body supporting paralegals in England and Wales. Paralegals are not covered by Statutory Regulation so NALP set out to establish a trusted brand that would help to fill that gap and promote paralegals as a legal profession in its own right. In order to do this, we set out our Codes of Conduct and Ethics and the standards of behaviour we expect from our members. We also established paralegal-specific qualifications, starting in 1988 with The Higher Certificate in Paralegal Studies (now the NALP Level 4 Diploma in Paralegal Studies). The first examinations were held in 1989 and since then over 10,000 people have taken this qualification. Gaining this qualification is also the minimum requirement to become an Associate Member and be able to use the 'A.NALP' designation next to your name.

The continued success of this qualification led to the development of further qualifications, starting in 1999 with the Level 7 Post Graduate Diploma in Paralegal Studies (now the NALP Level 7 Diploma in Paralegal Practice). This particular qualification was introduced as a direct result of referrals received from the Law Society and was designed to assist Law Graduates who were unable to gain a Training Contract to achieve the necessary knowledge and skills in procedural law to progress to an alternative career as a Professional Paralegal. Achieving this qualification allows NALP members to use "Grad.NALP" next to their name.

With the advent of change in the vocational qualifications sector, with more people understanding the value of achieving fully regulated qualifications, NALP gained Recognition with the Office of Qualifications and Examinations Regulation (Ofqual) in December 2009. The newly entitled Level 4 and Level 7 qualifications were shortly thereafter included on the official Register for all regulated qualifications – now known as the Regulated Qualifications Framework. In 2013 our qualifications offering was increased with the introduction of the NALP Level 3 Award in Paralegal Practice, the NALP Level 3 Certificate in Paralegal Practice and the NALP Level 3 Diploma in Paralegal Practice. These have been designed to provide those who perhaps have not previously studied law, either to GCSE/A-Level or degree level, with a different path to gaining the necessary knowledge and understanding for their chosen career.

NALP also established NALP Training Company Limited, which now trades as The National Paralegal College. This is an Approved Centre of NALP and offers all of the regulated qualifications mentioned above. Since then we have gone on to add more Approved Centres, including some as far afield as Cyprus and Bahrain. The NALP brand, coupled with the fact that our qualifications are fully regulated and recognised by Ofqual, is seen as a badge of quality for Paralegal Qualifications.

NALP Members' Handbook

1.2. Our Mission Statement

NALP strives to ensure that its members are recognised as a key part of the legal profession by the quality of its qualifications and professional development. NALP encourages, promotes and develops the role and practice of the paralegal and represents the best interests of its members.

We meet this Mission Statement by being a strong advocate for paralegals – by strengthening the voice of paralegals in the Legal Sector. We advocate for our members, including to the Bar Council, the Solicitors Regulation Authority and the Law Society.

Our main objectives as a Professional Membership body for Paralegals are:

- to provide for the qualification of our Affiliate Members as Paralegals
- to provide for the career development of our qualified Members
- to disseminate information on matters of professional interest
- to represent, promote and express the collective interests of our Members
- to act as a consultative body on all things concerned with the Paralegal Profession
- to provide a forum for all matters affecting the interests of our Members
- to provide opportunities for social contacts amongst Paralegals
- to promote paralegals, building respect and understanding of the profession

As part of being the voice of Paralegals, our Chief Executive regularly writes articles for both the legal and consumer press and more business general publications.

2. Being a Paralegal

2.1. What is a Paralegal?

A Paralegal is a person qualified through education and training to perform substantive legal work that requires knowledge of the law and procedures but who is not a qualified solicitor, barrister or chartered legal executive.

Paralegals may work in a law firm for solicitors, or even a Barristers' Chambers. Increasingly, paralegals are being employed within the legal departments of large companies or local or national government organisations. Those who hold a 'Licence to Practise' through NALP can also offer legal services directly to their own clients (see Section 5 of this Handbook).

Whilst a 'Licensed Paralegal' has a specific meaning, the term 'Paralegal' is actually fairly generic. When used to describe those employed within law firms, 'Paralegal' usually relates to fee earners and can be synonymous with 'Legal Assistant'. In reality, Paralegals are the '4th arm of the Legal Profession'. For instance, they make up a large part of the unadmitted staff solicitors rely upon to be able to operate effectively and one would often find it difficult to differentiate between the work carried out by a solicitor with that done by a Paralegal.

In recent years Paralegals have started to come into their own. With access to legal aid now being severely restricted, consumers are looking for more cost-effective ways to get assistance with legal

NALP Members' Handbook

matters. This has led to a rise in 'Litigants in Person', or individuals who represent themselves in court. This in turn has put pressure on our already stretched court services trying to provide advice to these members of the public. Qualified, trained and experienced Paralegals are increasingly being used to offer a less-costly, but highly effective, legal support option.

2.2. What is the Difference Between a Paralegal and a Solicitor?

As we have covered in section 2.1 above, a Paralegal is legally trained and educated to perform legal tasks and offer legal assistance but is not a qualified solicitor. However, a Paralegal can do virtually everything that a solicitor can do except activities that are referred to as: 'Reserved Activities' (See section 2.3 of this handbook).

Solicitors are regulated by the Solicitors Regulation Authority (SRA) which was formed in January 2007 with statutory powers provided under the Legal Services Act 2007. Paralegals have no such statutory regulation, which is where voluntary regulatory membership bodies, such as NALP, come in. We set out principles and codes of conduct for our members and give the consumer a point of contact, as well as providing them with the reassurance that the Paralegal they are engaging is of good standing and repute.

Paralegals can help consumers with a number of different needs. Just a few instances in which Paralegals can provide assistance include (but are not limited to):

- Financial claims (i.e. collecting monies owed or defending against monies claimed)
- Minor criminal offences – some Paralegals are even 'Police Station Accredited' so can be on-call as needed
- Matrimonial or Civil Partnership disputes
- Employment disputes and tribunals
- Wills and Lasting Powers of Attorney
- Housing disputes
- Welfare disputes

Obviously, if any of the above cases move on into an area covered by a Reserved Activity then the services of a solicitor would be required and in many cases in respect of those scenarios laid out above, a paralegal will only be providing advice to a consumer who will be acting as the litigant in person as they do not have the automatic right to represent a client in court.

2.3. What is a Reserved Activity?

As we have mentioned, there are a number of scenarios where Paralegals cannot undertake the same activities as a solicitor, known as the 'Reserved Activities'. If an unauthorised person undertakes any of these activities it is a **criminal offence**. The Reserved Activities are set out in the Legal Services Act as follows:

- The exercise of a right of audience
- The conduct of litigation
- Reserved instrument activities

NALP Members' Handbook

- Probate activities
- Notarial activities
- The administration of oaths

It is important that all Paralegals make it clear that they are not authorised and therefore not permitted to carry out reserved activities.

There can be some exemptions to the above, for instance:

- Advocacy is not a reserved activity unless it involves the 'right of audience', so a paralegal is able to represent a client in places such as a Tribunal or before a District Judge in Chambers in a County Court (although it is better if notice of intent to represent in such circumstances is provided to the Court or Tribunal prior to the hearing); or
- Exemption maybe granted if a person has been granted a right of audience by a specific Court in relation to specific proceedings. For the avoidance of doubt, such permission would be granted on a 'one time only' basis and just because a person has been granted a right of audience once does not mean they will be granted the same in future in the same Court for different clients or proceedings.

In addition to the Reserved Activities listed above, a Paralegal must also not provide any immigration advice or services, unless they are also registered with the Office of the Immigration Services Commission (OISC) as an Immigration Adviser.

2.4. What is 'Holding Out'?

'Holding Out' is the term used when someone gives the impression that they are a qualified solicitor, barrister, chartered legal executive, conveyancer (unless you are Licensed by the Council for Licensed Conveyancers) or notary public. This may be done accidentally – such as by omitting the fact that one is a paralegal when offering legal services so that potential clients could be likely to assume that the person they are dealing with is actually a solicitor – or it may be a deliberate act to defraud potential clients. Whilst obviously the latter is a far more serious, both are offences that Paralegals must take all possible steps to avoid.

Due to the fact that the term 'Lawyer' is a generic term defined as being 'a person who practises or studies law', technically a paralegal could refer to themselves as a lawyer. However, mostly due to the popularity of American TV shows, many members of the public understand 'lawyer' to be synonymous with 'solicitor', so merely using the term 'lawyer' when describing your activities as a paralegal could inadvertently be misconstrued. NALP therefore requires that all members refer to themselves a Paralegal Lawyers on any business cards, stationery, marketing materials or websites, etc. to ensure that there can be no misunderstandings.

3. Being a NALP Member

As mentioned in Section 2, Paralegals are not subject to statutory regulation, so the sector looks to self-regulatory organisations, such as NALP, to fill the gap; providing assurance for consumers and employers that their members are qualified, experienced and conduct themselves in an ethical manner.

3.1. What are the Benefits of Being a NALP Member?

NALP believes that being a member of a professional membership body, such as ourselves, should be worthwhile and so we have put together a package of benefits that we feel ensures our members feel they are getting value for money as well as the badge of a highly respected professional membership organisation.

➤ Professional Recognition

When you sign up to be a member of NALP you become part of the longest running Professional Paralegal Membership Body and self-regulatory organisation in England and Wales. Our badge is known and respected throughout the legal sector. It gives employers and clients confidence in your skills and knowledge because they know we have robust quality and compliance procedures in place. The different types of membership available (detailed in 3.2 below) mean that employers and clients know what level of expertise they can expect from our members. It also shows your commitment to your own development in your chosen career as a professional Paralegal.

➤ Consultation

We don't want our members to be at arms-length or feel they cannot approach us if they have an issue. We are here for the benefit of our members so they know they can contact us for advice and guidance. An important part of this is our commitment to offering EVERY member, regardless of the type of membership you hold, the opportunity for a free telephone consultation with our CEO, Amanda Hamilton, to discuss career development, paralegal training and the paralegal profession in general.

Amanda also randomly selects a handful of members to call on a quarterly basis to see if there is anything we can help them with or ways to improve our service to you. Just another way of showing that we are with you throughout your career.

➤ Qualifications

NALP is the only Paralegal membership body that is also an Awarding Organisation, recognised and regulated by the Office of Qualifications and Examinations (Ofqual), that offers Paralegal Specific qualifications that are included on the Ofqual Register of Qualifications. Because these qualifications are regulated by Ofqual and include the Ofqual logo on the certificates, employers across the world accept it as a badge of quality; an assurance that the person holding the certificate has the level of knowledge they are looking for. Because of this NALP has Centres in places such as Bahrain and Cyprus, as well as within the UK. All of our Centres are regularly monitored to ensure that they maintain the high standards we set. Plus, all of the assessment decisions are made in-house, by our own highly qualified examinations team – our qualifications can be relied upon to be the very highest quality.

NALP Members' Handbook

We also endorse various complementary courses and qualifications offered by our sister company, NALP Training Limited, trading as the National Paralegal College, such as the Professional Legal Skills courses in Drafting and Negotiating, and the Practical Paralegal Skills Course. And we allow those courses to be included as CPD for our members to go towards supporting their applications for, and renewals of, membership with us.

➤ **Advocacy**

Since NALP was established in 1987 we have consistently been involved in lobbying and advocating on our members' behalf for greater recognition. We are regularly featured in industry, business and consumer press with every article aimed at raising the profile of Paralegals and the work that they do. We also hold regular meetings with the Law Society and have contacts within the Solicitors Regulation Authority (SRA) to ensure we put across the point of view of Paralegals in the wider legal arena, as well as being able to keep our members up to date with the latest news from within the sector.

➤ **Discounts**

NALP has forged relationships with various organisations so that we can offer our members discounts on the things that really matter to them. These include, but are not limited to:

- The Professional Indemnity Company – if you are acting as a Paralegal to offer law services direct to your own clients you must have Professional Indemnity Insurance (PII). We have teamed up with the Professional Indemnity Company to offer our members exclusive discounts on their premiums.
- Hospital and Medical Care Association (HMCA) – Our members can enjoy up to 25% off medical care and dental plans
- HMCA also offer 25% discounts on Travel and Personal Accident plans as well as Breakdown Recovery

➤ **News and Support**

We keep our members up to date with all of the news from our sector. Our members have access to a secure Members' Area on our website that provides access to exclusive reports and webinars on the subjects that really affect them.

➤ **The National Paralegal Register**

All NALP Members will be able to benefit from free registration on the NPR, NALP's National Paralegal Register. You can choose if you want this to include just your name and level of membership or if you want full contact details and areas of expertise on there – which can be used as a fantastic marketing resource to demonstrate your skills and expertise to consumers and employers.

➤ **Employment support**

NALP has teamed up with SimplyLaw Jobs and as such we post, for our members, the latest adverts for Paralegal roles on our website. We also host these adverts on our social media pages such as LinkedIn, Facebook and Twitter. By following our pages and being a member of NALP, you can hear about the latest roles in your field of interest.

NALP Members' Handbook

3.2. Membership Types

NALP recognises that there are many different types of paralegal in the sector and so a 'one size fits all' approach to membership is not going to be suitable. We have therefore separated our membership applications into different types; each designed for a specific demographic of paralegal, dependent on their level of qualifications and experience. These types are:

3.2.1. Legal Secretaries

In an age where fewer professional sectors have 'secretaries', a Legal Secretary is still a job very much in demand. To be a Legal Secretary you need a good grounding in the general theory of law, so most employers will look for a recognised Legal Secretarial qualification, such as a Diploma from ILSPA or CILEx. To be a Legal Secretary Member with NALP, and to use the designated letters "LegSec.NALP" after your name, you will also need one of those qualifications, though we may also consider a diploma from another training provider, depending on whether we can map the learning outcomes across to a recognised qualification.

3.2.2. Affiliate Membership

This membership is open to anyone who works in, or is looking to work in, the legal sector, but perhaps has no formal qualifications as yet, and to those who are currently studying law at University. It is also open to those who have studied or practised law in another jurisdiction, outside of England and Wales and who may not have covered English Common Law.

People studying a NALP qualification, at any level, will receive one year's free Affiliate Membership with NALP on enrolment on their course.

3.2.3. Graduate Membership

This is for those who have successfully gained an LLB or BA Law, or Joint Law Degree, Graduate Diploma in Law (GDL), Legal Practice Course, Bar Professional Training Course or a NALP Level 7 Diploma in Paralegal Practice but have not yet had the opportunity to gain experience working within the legal sector. Successful applicants will be able to use the initials "Grad.NALP" after their name.

3.2.4. Associate Membership

To qualify for this level of membership and to use the initials "A.NALP", you must hold at least a Level 3 appropriate law related certificate or diploma (such as the NALP Level 3 Certificate in Paralegal Practice or the NALP Level 3 Diploma in Paralegal Practice) or an 'A' Level in Law or, alternatively, be able to evidence that you have a minimum of 3 years' relevant legal experience.

This is the lowest level membership that would allow you to apply for a NALP Licence to Practise. However, to do so, you must have both a Level 3/'A' Level qualification and a minimum of 3 years' experience.

NALP Members' Handbook

3.2.5. Fellowship Membership

There are two routes to being a 'Fellow' of NALP and being able to use the initials "F.NALP". The first is to have a minimum of a Level 6 or above law related qualification; e.g. LLB, BA, GDL or Joint Law degree (to include the English Common Law System) plus have at least 3 years' relevant experience in the legal sector.

The second route into Fellowship Membership is the 'experiential route'; e.g. applicants must have a minimum of five years' relevant legal experience, but do not have to have a Level 6 qualification.

Whilst both routes will need to be supported by references from employers, Route 2 will also require the applicant to provide a written submission that clearly demonstrates knowledge and understanding at a professional level in the field of law within which the applicant works, plus a telephone, video conference or face to face interview. Due to the additional work involved in considering applicants via Route 2, the initial application is slightly more expensive than Route 1, although the annual renewal fee is the same.

3.2.6. Principal Fellow Membership

This is the highest status of NALP membership and entitles successful applicants to use the initials "PF.NALP". Applicants must have relevant law qualifications and many years' experience, plus must be working as in-house paralegals within law firms or companies (including public or local government organisations). Principal Fellows must ensure that they undertake at least 12 hours' of Continuing Professional Development (CPD) and provide a copy of their CPD log on initial application and on annual renewal of their membership to ensure this is being kept up to date.

NALP Members' Handbook

3.3. The NALP Code of Conduct and Ethics and What it Means for Members

As a self-regulatory body for our members, NALP has set out a comprehensive Code of Conduct and Ethics that we expect our Members to comply with. This is available publicly on our website, but below we have broken down each 'code' and set out what it really means for our members:

No.	Code	What it means for our Members
1.	NALP Paralegals shall, by their membership, covenant to observe the rules of conduct set out in this Code.	You agree to comply with our Code of Conduct and Ethics. It also includes the guidance we provide to our members, and that you understand we could impose sanctions and we may publish any sanctions applied on our website.
2.	NALP Paralegals, whether employed or self-employed, shall at no time represent him/herself to a client, solicitor, barrister, notary public, licensed conveyancer, chartered legal executive or other paralegal, court administrative personnel or member of the general public either expressly or impliedly by any legal description other than as a NALP Paralegal and referencing their level of NALP Membership i.e. Affiliate, Associate, Graduate, Fellow or Principal Fellow and if they are self-employed, state that they have a Licence to Practise, with PII (Professional Indemnity Insurance) and this should be brought to the attention of any prospective client.	<p>This is to ensure that you are not 'holding out' – even if that is not your intent. We advise all of our members to avoid referring to themselves as 'Lawyers' but use 'NALP Paralegal' or 'Paralegal Lawyer' instead to avoid any confusion as to your role. This is particularly important for those offering law services direct to clients as the client-base for such services is often the most vulnerable who may not understand the legal system structure, but instead believe a 'lawyer' is synonymous with a 'solicitor' – a confusion often compounded by the stories they see on American TV shows and American news stories.</p> <p>Ensuring you provide your level of membership also helps to prevent any misinterpretation of your status as a NALP member as people can easily research what this means on our website.</p>
3.	NALP Paralegals, whether employed or self-employed, shall at all times be aware of what constitutes 'Reserved Activities' as defined by Section 12 of the Legal Services Act 2007 and shall not infer in any way that they are able to perform such activities. (See the NALP's Guidance for Paralegals Supplying Legal Services and Holding Out).	This is specifically aimed at ensuring our members do not leave themselves open to being accused of 'Holding Out' – which is a criminal offence. It is very important that our members adhere not only to our Code in this matter, but also to our guidance, more details of which are included in section 3.4 of this Handbook.

NALP Members' Handbook

4.	NALP Paralegals whether employed or self-employed must discharge his/her duties at all times with honesty and integrity.	This code is very clear in what it says – we expect our members to behave with honesty and integrity.
5.	NALP Paralegals, whether employed or self-employed, shall at all times work in a conscientious, diligent and efficient manner and will give loyalty to the firm/ company/ organisation for which s/he works and the Partners/ Directors and other employees thereof.	A Paralegal, like all those in the legal sector, relies on their reputation in the industry to ensure they progress in their careers or build their business. Not being conscientious or proving disloyal to your employers or clients could be very detrimental to your reputation.
6.	NALP Paralegals whether employed or self-employed have a duty to, and will hold in strict confidence, all information acquired in the course of their professional relationship concerning the business and affairs of their Client, the Firm or Principal for which or for whom they may work or have worked for or with in the past, and the clients or former clients thereof, and will not divulge any such information to anyone unless expressly authorized or required by law to do so	All Paralegals should be aware of the current legislation on data protection, including the Data Protection Act 2018 and the General Data Protection Regulations, but there is also a wider matter of confidentiality. We expect our Members to adhere to the highest standards of confidentiality for their employers and clients, whether current or former, ensuring not only that they do not directly divulge any confidential information but also that any information they hold, whether electronically or physically, is maintained at all times in a safe and secure manner, protected against access by outside, unauthorised parties. The only time a Member should divulge any such information is if they are required to by law, are ordered to by a court of law or the employer or client gives their explicit consent. If information is to be released by consent, we would advise our members to ensure that they have the consent in writing so that there can be no misunderstandings or miscommunications in this regard.
7.	NALP Paralegals, whether employed or self-employed, will observe all relevant rules and laws regarding the presentation and safekeeping of the property of any client entrusted to them or their firm or Principal.	On occasion, a Paralegal may be asked to hold some property of a client – usually things such as their Will, house deeds, power of attorney, etc. – whether directly by a client or as part of their duties for an employer. Where this is the case, the Paralegal must ensure that they do so in compliance with all relevant and current regulations and legislation.

<p>8.</p>	<p>NALP Paralegals who are self-employed practitioners or have their own paralegal firm, shall on no account request monies in advance of their fees from their client. Neither shall they request monies in advance for costs that may be incurred. Any costs that are necessary to assist in the process of the client's case should be brought to the client's attention and be paid for directly by the client him/herself to the person / company / organisation / court / government department making the charge.</p>	<p>Paralegals do not have the authority to hold 'client money' – even for a short time. Nor do they have the right to act on behalf of a client, as a solicitor does, and so any court fees, etc. must be paid for directly by the client to the court and not go through a paralegal. To do so would be seen as conducting litigation – a Reserved Activity – and as such would be a criminal offence. It is also a criminal offence to hold client money unless you have the correct regulatory standing to do so – so if you are also a financial adviser and are authorised and regulated by the Financial Conduct Authority to hold client money, then you may do so, but only for the purposes of your services as a financial adviser, not as a paralegal</p>
<p>9.</p>	<p>NALP Paralegals whether employed or self-employed must communicate with their clients on a regular basis and must keep their clients effectively informed of the true progress of any transaction, matter or action with which s/he is dealing and will not in any way intentionally mislead a client regarding any aspect thereof.</p>	<p>As part of acting with integrity and honesty, a paralegal must keep their clients up to date with what they are doing. We expect our members to ensure that their clients are kept well informed of the work being undertaken as it is happening, not just when they are sending them an invoice. This includes where there has been no real movement in a case. In addition, the information given must be accurate and clear, leaving no room for misunderstanding by a client as to what work is being carried out for them.</p>
<p>10.</p>	<p>NALP Paralegals must ensure that they are transparent in all of their dealings with clients, including costs and timescales necessary to undertake any work requested.</p>	<p>Transparency currently a huge issue across the legal sector as a whole with the SRA bringing in new regulations for solicitors that they should provide indicative pricing for prospective clients, preferably on their websites, etc. Whilst it can be difficult to provide a real 'price list' for legal services, even for paralegal work, there are some basic services that could be given price bands or some indication of the 'average cost'. E.g. you could state that the average cost of a will for a married couple with children and assets not exceeding £400,000 would be £XXX.XX. This doesn't mean that all Wills cost that, but it does give prospective clients an idea of what sort of costs they are looking at for a particular service.</p>

<p>11.</p>	<p>NALP Paralegals must ensure that they make their Complaints Policy easily accessible and ensure that this Policy includes reference to their right of escalation of Complaints to NALP.</p>	<p>We expect all of our paralegals who are self-employed, offering their services directly to clients, to have a clear complaints policy or procedure available on their website, or be provided to every client on signing an agreement for services. Such complaints policy or procedure should also refer to the clients' right of escalation to NALP if they are dissatisfied once they have exhausted your own procedures. Please ensure you make it clear that they can only contact us after they have first sought a resolution with yourself.</p>
<p>12.</p>	<p>NALP Paralegals whether employed or self-employed must actively assist in maintaining the integrity of the legal profession in general and the Paralegal Profession in particular and will do nothing to bring them into disrepute.</p>	<p>NALP is always trying to raise the profile of our members and the paralegal profession in general. As mentioned previously, we regularly have articles published in the press to this end. We also work closely with the Law Society and the SRA to ensure that our approach is in line with the wider legal sector and the statutory regulations. It is therefore extremely important that our members consciously seek to uphold the integrity of the legal profession and embody the high standards the public should expect from the paralegal profession in particular</p>
<p>13.</p>	<p>NALP Paralegals' conduct, whether employed or self-employed, towards their Clients, Principal, colleagues at work and the clients of the firm together with other members of the legal profession should be characterised by courtesy and good faith at all times.</p>	<p>As for Code 12, this is about our Members adhering to the highest standards, regardless if they are undertaking work as the employee of a larger organisation or on their own behalf as a self-employed paralegal.</p>
<p>14.</p>	<p>NALP Paralegals working within law firms should ensure that they are familiar with the provisions of The Solicitors Practice Rules and The Solicitors Accounts Rules together with the Law Society's Guide to the Professional Conduct of Solicitors including any amendments thereto.</p>	<p>If our Members are working in a law firm that is covered by statutory regulation, such as under the SRA, they should ensure that they learn about the regulations their firm is governed by so that they may easily adhere to them at all times whilst representing their employer</p>
<p>15.</p>	<p>NALP Paralegals must inform their employers of any conflict of interest that might arise concerning the Paralegal or any personal interest that the Paralegal may have in any matter in which he is dealing.</p>	<p>Conflicts of Interest can happen and occur more often than most people think. There are a lot of circumstances that could lead to a perceived conflict of interest and we encourage our members to be aware of them. For instance; You could be asked to assist with recovering monies from a company for whom your cousin (or even your spouse's cousin) works.</p>

		<p>You may not see this as an issue as you are not close with this relative. However, if your employer loses the case, they could potentially say it is because of your relationship with a staff member of that company, even if it that was not the case. If you have brought up the potential conflict with your employer, they can then make the decision whether or not to keep you on the case and how to manage any perceived risk raised by the potential conflict.</p>
<p>16.</p>	<p>Any business cards used by a NALP Paralegal whether employed or self-employed, shall include the name of his/her employer (if relevant) and should specify the level of NALP membership the paralegal has.</p>	<p>It is important that our Members ensure that they include the level of membership they hold with NALP, usually by including the initials outlined in the 'Membership Types' section in 3.2 above, with the exception of Affiliate Members who should include the details in full separately from their signature. This is to ensure that employers and potential clients can see that you are a member of NALP, giving them peace of mind regarding your qualifications and experience, based on the type of membership held.</p>

3.4. Transparency and Best Practice Guidelines

One of the cornerstones of acting with integrity and honesty is to be completely transparent in all of your transactions with employers and clients. This means that you keep them up to date with the progress – or lack thereof – of the work you are doing for them and that there are no surprises in store in relation to the cost of the work or how long it will take.

We encourage our members to always ‘Under promise and over deliver’. This means that, if you think a job may take you 15 hours to complete, barring any interruptions or other issues, you should promise to have the work done in 20 hours to give yourself a little leeway. That way, if the job takes you 17 hours, you have exceeded your client’s or employer’s expectations. If you constantly promise to deliver something in 10 hours and it always takes you 15, you will end up with a reputation of being unreliable.

Transparency is particularly important in respect of your fees if you are self-employed. This is not just true for Paralegals, but for the wider legal sector as a whole. Consumers constantly cited receiving large bills from their solicitors at the end of a case that they were not expecting as one of the main issues they had with their legal services providers. As a result, they introduced new rules on transparency in respect of fees with effect from December 2018. As NALP seeks to always align our guidance with the industry best practice in the sector as a whole, we have introduced fees into Code 10 (see 3.3 above). We therefore expect our Members to provide clear pricing on their website or other marketing tools (e.g. social media pages, etc. if used as their main company site). This should include price and service information for a range of standard services. For example, you could have a table on your website or on a leaflet provided to all potential clients with information such as**:

Service	Cost covers/includes	Average Price/Price Range
Wills	Drawing up a standard will for a married couple with assets not exceeding £400,000 (including property)	Average price: £200.00
Money Claims <£10,000.00	Assisting with completion of Small Claims Court paperwork for amounts not exceeding £10,000.00, not including any attendance at court	Average price: £250.00
	With Court attendance	Average price: £600.00
Money Claims >£10,000.00	Assisting with completion of paperwork to be submitted at court, including court attendance (advisory only – as a Paralegal I cannot represent you in court unless that court provides its express permission)	Average price: £1,500.00
Separation / Divorce	Providing advice and guidance through the process of obtaining a legal separation or Divorce – uncontested	Average price: £500.00
	As above, but contested proceedings and/or complicated financial issues	Price on application based on £60 per hour (average case >25 hours)

NALP Members' Handbook

****Please note the above is for illustrative purposes only and the costs therein are not accurate to real-life scenarios.**

For other services which are not possible to provide average costs or a range of costs, you should provide price and service information in a clear and easy to understand format, including, but not limited to:

- The basis of charges, such as hourly rates or fixed fees
- Any disbursements the clients may incur and their costs
- Whether the prices indicated are including or excluding VAT
- What services are included in that fee or, more importantly, what might be excluded (e.g. postage, administration fees, court fees to be paid directly by the client, etc.)
- If payment is to be made at intervals during the case, or once a client's outstanding bill has reached a certain amount, state at which intervals, or at what amounts, instalments would be expected to be paid
- Give details of the qualifications and experience, including any NALP membership, of anyone carrying out the work, particularly if you have staff to whom you will be delegating some of the work
- Information about any key stages in the work being undertaken and a typical timescale of these

However, transparency and best practice do not just affect pricing. We expect our members to be completely clear with their client and/or employers exactly what services they can and do offer. If you are working as a paralegal within a legal firm, for instance, and you have been a main contact with a client and they ask you to complete a court filing for them, you must tell them that you will have to hand it to a solicitor to check and complete. If you are self-employed and the client is your own, you would have to tell them that you can only assist with the completion of such paperwork and they will have to check and sign it as 'Litigant in Person'.

You must be completely clear on all marketing and websites regarding your status as a Paralegal and what that means. You must not simply refer to yourself as a 'Lawyer' because, as we have mentioned previously, that term is often misconstrued as being synonymous with 'solicitor' and as such could mislead potential clients into believing you are able to undertake the same activities as a solicitor.

When undertaking work for a client on a self-employed basis, we recommend our members provide their clients with the following letter/statement, or an explanation containing the same information as the points shown in bold and ensure that you receive written confirmation that they have received it before providing any such services:

Your name:

Date:

This statement is to explain my status in offering to provide you with legal services.

Although I am a qualified Paralegal, **I am not entitled to practise in the same way as a solicitor or barrister.** Therefore, in providing any legal services to you I am not acting as

NALP Members' Handbook

a solicitor or barrister and **I am not subject to many of the rules which regulate practicing solicitors or barristers. This limits the services I can provide to you.** I can provide you with legal assistance (as a Litigation Friend) and represent you before certain Tribunals and in the Small Claims Court, but **I cannot exercise rights of audience in Court**, meaning that I have no automatic right to represent you in any open court without the express permission of the court. However, I am able to assist you and guide you through the court process and help you to complete court documents.

I aim to provide you with a good service and if you have any concerns about what I do for you, please let me know and I will try to resolve the problem. But you should know that **you would have only limited rights to complain about me to anyone else.**

The Legal Ombudsman, which can adjudicate on complaints about poor service by practising barristers and solicitors, cannot consider any complaint against me, because I am a paralegal and therefore, this is beyond their remit.

However, if I cannot resolve your concerns, **you can complain to NALP, my Professional Membership Body**, and it will investigate whether I have failed to comply with any of the rules which apply to me. If NALP finds that the complaint against me is justified, it can sanction me and ultimately, can suspend my membership and withdraw my details from the National Paralegal Register.

I am (am not) covered by professional indemnity insurance (PII). My PII provider is [name of policy underwriter or broker]

Signed:

Date:

I confirm that I have received the above statement from.....

Signed:

Date:

4. Professional Career Paths

There are two main career paths for professional paralegals to take. We look at each of these below:

4.1. Employed

Previously it was believed that paralegals were only ever employed by firms of solicitors to undertake the sort of tasks that were seen as not 'worthy' of a solicitor's time. Over the past 3 decades since NALP's inception, we have seen this view diminishing and the role of a paralegal is seen more as an integral and respected part of the legal team. Qualified and experienced paralegals are highly sought after by law firms.

NALP Members' Handbook

But law firms are no longer the only ones to recognise the value of having a qualified paralegal on their staff.

As larger organisations seek to reduce costs, we have seen the advent of more and more in-house legal teams in both large private organisations and public ones, such as local councils and government departments. Paralegals often make up the majority of the staff employed in such roles as it reduces the cost of having to have a solicitor check all of their contracts or other standard legal paperwork. Just some of the organisations that have advertised for paralegal roles with SimplyLaw Jobs between September 2018 and February 2019 included:

- Discovery Inc (Entertainment Industry)
- River Island (Fashion)
- Nickelodeon (Television)
- Innocent Smoothies (Food)
- Unnamed Music Company (Entertainment)
- Sky (TV and Media)

4.2. Self Employed

A professional paralegal can also set up their own business, offering legal services directly to clients.

As a NALP member you should first gain a 'Licence to Practise' before setting out to offer your services as a Paralegal. In order to do this, you must fulfil the strict criteria that is covered in Section 5 of this Handbook.

Paralegals offering legal services must be extra careful that they adhere to the transparency requirements set out in Section 3.4 of this Handbook and that they follow our guidance on best practice, etc. NALP members who are self-employed should be aware that they will be monitored by NALP's compliance department and, if they are found to be breaching any of the Codes of Conduct and Ethics, or not following the guidance provided on transparency, etc. could be subject to sanctions by NALP, up to and including revocation of their membership, removal of their details from the National Paralegal Register and having the details of the sanction being posted on the NALP website (only where membership has been suspended or revoked).

5. Licence to Practise

5.1. Minimum Criteria

As a self-regulatory body for its members, NALP offers the opportunity for those who hold Associate Membership, Fellowship Membership, or Principal Fellow Membership the opportunity to apply for a Licence to Practise. However, in addition to holding one of the aforementioned membership types, the Member must also fulfil a set of strict criteria, including:

- Have at least 3 years' experience and competency in the area(s) of law in which you wish to practise

NALP Members' Handbook

- Provide evidence of such experience and competency in the form of recognised qualifications and letters of reference from employers or clients (applicants must provide these – NALP will not be held responsible for any application which fails due to references not being received)
- Hold Professional Indemnity Insurance and ensure that this is maintained on an ongoing basis
- Provide evidence of the Professional Indemnity Insurance by way of a copy of their Insurance Certificate or Schedule of Insurance – please note that new certificates or schedules must be provided as part of the annual renewal

5.2. Professional Indemnity Insurance

Professional Indemnity Insurance (which is sometimes referred to as Professional Liability Insurance or PII) is an insurance policy designed to provide protection for both the professional being covered and their clients.

PII covers legal costs and expenses incurred in your defence, as well as any damages or costs that may be awarded, if you are alleged to have provided inadequate advice or services which causes your client to suffer a loss.

For example, if you take on a case where a client is defending a claim for money against them and you fail to advise them of a vital piece of evidence they should ask for, or provide, which leads to them losing the case, they could claim negligence against you and claim the full cost of any loss they may incur. If you have PII this will ensure that you can defend the case, and/or that the client will receive any damages owed to them without you being personally liable to pay out.

All members wishing to obtain a NALP Licence to Practise must first obtain suitable coverage under a Professional Indemnity Insurance policy, providing at least £1 million of cover. The Policy must be in the name of the NALP Member – **it cannot be in the name of the member's employer or firm, unless there is a schedule of named individuals and the coverage is for £1m per person and the schedule includes the name of the NALP Member.** This is because NALP does not provide corporate membership, so we have to ensure that the individual Member applying for the Licence to Practise is fully covered to the level we require.

5.3. The National Paralegal Register

As mentioned earlier, NALP ensures that the basic details of all of its Members are included on the National Paralegal Register (the NPR) as part of the membership benefits. If you have a Licence to Practice with NALP, this can include full contact details, links to your website and information about your particular areas of legal expertise. This can make you searchable on the NPR so that if a client is looking for a paralegal in, say, South East who specialises in Matrimonial Law and that fits your bill, they will be able to input their requirements and come up with your details. This could be an invaluable way to have your services recommended by your Professional Membership Body.

6. Guidance for Independent Professional Paralegal Practitioners

NALP Members with a Licence to Practise are likely to want to set up their own legal services business, however there are some areas where you may not be an expert, but where we may be able to help.

6.1. Data Protection and the General Data Protection Regulations

The Data Protection Act 2018 and the General Data Protection Regulations came into force in May 2018 and brought in a raft of new legislation for all firms, large and small, that hold or process personal data must adhere to. These included:

- A new, broader definition of 'Personal Data' – i.e. anything that could lead to an individual being identified – which meant that even data that was previously felt to be outside the scope of the Data Protection Act 1998 now fell into that scope, particularly for firms which only hold limited information, such as email addresses, or those who believed they had 'anonymised' the data by using a code system, but that code system included a date of birth and house number or postcode, etc.
- A new set of wider ranging Data Subject Rights – in addition to the previously allowed Data Subject Access rights, Data Subjects (i.e. those whose data is being held) now have additional rights, as follows:
 - **Right to be informed** – giving data subjects the right to be informed about how and why the 'data controller' (the person or organisation holding the data) processes their data
 - **Right of Access** – Data Subjects always had the right to request access to all of the data held on them, however this could no longer have a fee applied to it and the timescale within which a request must be handled reduced from 40 days to 1 calendar month.
 - **Right of rectification** – if a data subject found that any data being held about them was incorrect, they now have the right to ask for this to be corrected. Again, such requests must be complied with within 1 calendar month.
 - **Right of Erasure** – Data Subjects can now ask for their Personal Data to be erased permanently, which must be done within 1 calendar month. There may be, of course, some legal or regulatory reasons why it is not possible for such data to be erased, in which case the Data Subject must be provided with a full explanation within that same calendar month timescale.
 - **Right to restrict processing** – Data Subjects can ask for the personal data held to be restricted so that it cannot be processed used in any way. Again there may be times where this is not possible for legal or regulatory reasons, but any request must be responded to within 1 calendar month.
 - **Right to data portability** – All electronically held data must be able to be transferred to another company in a structured, commonly used and machine

readable format on request. All requests for moving data must be responded to within one calendar month of a request being received.

- **Right to Object** – A Data Subject can object to the processing of their data for the purposes of marketing, scientific/ historical research and statistics, or legitimate interests or in the performing of a task in the public interest /exercise of official authority (including profiling). All such requests must be responded to within one calendar month
- **Rights related to automated decision making, including profiling** – The GDPR sets out specific rights in relation to automated decision making, meaning that the Data Subject can request that any such decision making is reviewed by a human person – for instance where a loan application is rejected by a computerised system, the applicant can insist on having their application reviewed by a suitably position member of the banking staff or management.
- **Right to complain** – Data Subjects have right to raise a complaint regarding the processing of their data or regarding a response received to a request under the above rights. As part of this, they also have the right to escalate their complaint to a supervisory authority. In respect of data handling in the UK, they have the right to escalate their complaint to the Information Commissioners Office (ICO).

Even small organisations and sole traders are now required to have a clear Privacy Policy setting out how data is collected and giving Data Subjects the details of their rights under the new legislation and Regulation. All firms that have a website and/or collect electronic data or use electronic marketing tools must also remember that they are still bound by the Privacy and Electronic Communications Regulations (PECR) as these were not superseded by the new Data Protection Act 2018 but rather sit alongside the new regulations.

Most importantly, if you collect any personal data at all – that is anything that could lead to an individual being identifiable – you **MUST** register with the Information Commissioners Office. This is not expensive, but registration must be renewed on an annual basis.

6.2. Your Website

Most paralegal firms will have a website – it is a great way for potential clients to see the services you have on offer, as well as read all about your firm – but you must ensure that the wording you use is in line with the Code of Conduct and that nothing could be misconstrued as being 'holding out'. Some things to look out for:

- Don't refer to yourself as a "lawyer" – always use "Paralegal Lawyer"
- Be careful you do not infer that you will undertake litigation – in any form. E.g. never state that you 'deal with all legal paperwork' as that could be read as though you were going to do this for them as opposed to assisting and advising them through it.
- Make it clear that you will guide and advise your clients through all aspects of their legal case.

NALP Members' Handbook

- Do not use disparaging terms towards solicitors and barristers, etc. Be respectful towards the services they offer and the work they carry out, whilst also highlighting the benefits that some clients may enjoy by using a paralegal instead.
- Ensure that your website complies with all current legislation; for instance, if you are a limited company, you must display somewhere, that is easy to find, your limited company name (using 'trading as' if you trade under a different name), registered address and company number.
- Ensure that you are as transparent as possible about your pricing structure – see Section 3.4 above.
- Ensure you make your complaints policy easy to access and include the fact that you hold Professional Indemnity Insurance

You are free to mention that you are a NALP Member but only as an individual as we do not offer corporate membership, so this should be in your personal bio, not within general information.

6.3. Marketing and Using Social Media

6.3.1. National Paralegal Register

The National Paralegal Register is free for all NALP Members. It's a fantastic tool to market yourself to prospective employers and for those granted with a Licence to Practice you can advertise your services to consumers.

6.3.2. Search Engines

If you have a website and want to be found by Google searches, you'll need good SEO (search engine optimisation). Improving your SEO can be a full-time job in itself and a little bit of a dark art that's always changing. You'll want to make sure that search engines can find your website, check out MOZ beginner guide to SEO.

<https://moz.com/beginners-guide-to-seo>

Be wary using companies that promise to get you to the top of Google, as these often offer false promise and may use methods that will be penalised by Google.

6.3.3. Google Maps

A great place to start marketing yourself on Google is via Google Maps. Ensure that your business address appears on Google Maps, includes contact details for your business and your website if you have one!

<https://support.google.com/business/answer/6174435?hl=en>

6.3.4. Facebook

You can set up a Facebook Page for your business, this is a free service and will improve your exposure. We recommend including the NALP Logo on your cover image, to demonstrate that you are a registered member.

NALP Members' Handbook

6.3.5. LinkedIn

Your LinkedIn Profile will play an important role in exposure to new potential clients or employers. Here's our recommendation for updating your profile.

6.3.5.1. Photos

Do's

- Your face should take up to 60% of your image, this should be a head and shoulders shot.
- Wear work clothes - Present yourself as you would at work
- Use a plain background, something not too distracting behind you
- Smile! Look approachable and friendly.

Don'ts

- Use a logo as your profile photo
- Use a selfie - keep that for Facebook/Instagram
- Over edit your image, filters are great for Instagram, but keep it simple and professional looking. Black and white is a great option if your background or clothing are patterned and distracting.

6.3.5.2. Header

You've got just 120 characters to make an impact, so keep it short and to the point.

We recommend including your NALP membership status within your headline, it demonstrates your expertise and experience.

"Associate Member of NALP | Intellectual Property Paralegal at _____"

6.3.5.3. Summary

This is the section recruiters will be scanning before approaching you. Keep it engaging, conversational and informative. What you write in your summary will help you come up in search results, so use important keywords but don't over fill it with buzzwords or jargon!

If you've achieved a Paralegal Qualification from NALP Training, this is the perfect opportunity to showcase your skills and what you've studied.

6.3.5.4. Experience

Remember your LinkedIn Profile isn't your CV, so don't over complicate your profile. Include a summary of your role and bullet points for your experience.

This is another great place to include you are a Member of NALP, adding your membership category as 'Experience' and linking it to our Company Page. This demonstrates your expertise and gives confidence to your employer or client.

NALP Members' Handbook

6.3.6. Ask for Recommendations, Reviews and Testimonials from your clients

A review from a client can go a long way in demonstrating the great services you provide. Once you've completed work for your client, it's always a great idea to ask them to leave you a review or recommendation, either on Google, Facebook or your LinkedIn Profile.

6.4. Public Relations

At NALP we strongly believe in the power of PR as a way to raise the profile of the paralegal profession and the great work you all do. It's a way to educate both the public and the professional legal sector about the expertise of NALP members.

PR is also a great way for you to raise your own profile, and build your paralegal practice. So, we've asked our PR consultant Chantal Cooke from Panpathic Communications to provide a press release template that you can use to write and send out your own news:

6.4.1. Press Release Template

Title (clear not clever)

Date (not necessary any longer as sent via email, and only relevant if adding an embargo) (you can say "for immediate release" or add an "embargo" if appropriate. In most circumstances I'd recommend using "for immediate release" or saying nothing)

Section 1

This is a "flesh out" of the headline. It sets the scene and does a very quick pitch for the angle of the story. You need to make sure the journalist is going to "get it" in the first few lines. Keep the paragraphs short and move on quickly.

Section 2*

Here you can give more detail but be sure to keep it to relevant facts. Don't pad, you want to keep it concise and pertinent all the time. Only tell them what they need to know.

Section 3*

This is about your credibility. Here is where you tell them who you are and why you have expertise in this area.

Section 4

If you haven't already included quotes in your press release then be sure to add one here.

Section 5

If appropriate provide contact details for public use i.e. the contact details you are willing to have included in the article (usually the web site address). Please note there is never any guarantee that they will be included.

NALP Members' Handbook

Editor's Notes

Under the heading 'editor's notes' you can add information that the editor might need.

Be sure to state what you are offering to the media, i.e. your call to action.

For example; "Jo Smith is available for interview, comment and commissioned articles. If you would like to arrange an interview or require any further information please call"

Remember to include your contact details so the journalist can reach you. Give as many options as you can to make it as easy as possible for them.

You can also include the third-party contact details (if appropriate).

If you can provide case studies or images – say so here.

Add any notes or citations that are needed to support any claims made in the press release.

You can also add a "Boiler Plate" here. This is brief, standard information about your company.

* **Note:** the order of Section 2 and Section 3 can be swapped